

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**(\$) **465.00****Complete if Known**

Application Number	09/375,246
Filing Date	August 16, 1999
First Named Inventor	Perucho, Manuel
Examiner Name	Souaya, Jehanne
Art Unit	1634
Attorney Docket No.	P-LJ3597

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		-20** =		X			
Multiple Dependent		- 3** =		X			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES****Large Entity Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	465
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **465****SUBMITTED BY**

Name (Print/Type)	Manuel Perucho
Signature	<i>Manuel Perucho</i>

Registration No.	
(Attorney/Agent)	

(Complete if applicable)

Telephone	(858) 646-3112
Date	August 13, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Interview Summary

Application No.

09/375,246

Applicant(s)

PERUCHO ET AL.

Examiner

Jehanne E Souaya

Art Unit

1634

All participants (applicant, applicant's representative, PTO personnel):

(1) Jehanne E Souaya.

(3) _____.

(2) Manuel Perucho.

(4) _____.

Date of Interview: 30 July 2003.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☒ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Power Point presentation regarding data (GDF) on colorectal and gastric cancer.

Claim(s) discussed: 1-11, 13-21 and 23.

Identification of prior art discussed: Peinado et al; Yasuda et al; Perucho.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Jehanne Souaya
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed the difference between the Peinado et al reference and Perucho reference and the instantly pending claims. Applicant raised the issue that neither Peinado et al nor Perucho teach using AP-PCR fingerprint as a prognostic indicator, and that neither reference teach analyzing normal, primary tumor, and metastatic tumor samples from the same patient. Discussed finding support in the provisional application for GDF. The examiner suggested raising these issues in the response.

SUBSTANCE OF INTERVIEW OF JULY 30, 2003

The Applicant and the Patent Examiner discussed the Applicants' data sent prior to the interview as a Power Point presentation that included the overall view in Applicants' opinion of the scope of the instant patent application, the nature of the invention, and the chronological outline of the prior art sustaining and making possible the instant application.

During the interview, aspects related to prior disclosures from three previous publications from the applicants' research group, namely Peinado et al, 1992; Yasuda et al, 1996, and Perucho, 1996, were discussed. Also, the publication of Arribas et al, 1997 was addressed by the applicant.

In brief, Applicant argued that Peinado et al, 1992 taught a method to generate DNA fingerprints from colon cancers using the AP-PCR method, which is the subject of a prior patent, but there was no disclosure on the usefulness of the method for cancer prognosis, nor disclosed the comparative analysis of the fingerprints of normal tissue, primary tumor and metastatic tumor.

Yasuda et al, 1996 only taught a method to localize the fingerprint bands in the chromosomes, which is not germane to the instant application, as it is not claimed such method for chromosomal localization. Such a method would be obsolete and without any practical value now, because the sequence of the human genome has been essentially completed.

Perucho 1996 is the extended abstract of a talk given in the Princess Takamatsu Symposium in Tokyo and only addressed the AP-PCR method in general terms in the two introductory paragraphs. There is no mention of the inclusion in the same experiment of normal, primary and metastatic tissue from the same patients.

The Arribas et al paper of October 1997 on the other hand, disclosed the application of AP-PCR fingerprinting for the estimation of the extent of genomic damage and the value of this estimation (genomic damage fraction or GDF) as a cancer prognostic indicator, which composes the first claims of the instant application. As the provisional application was filed on August 1998, Arribas et al. was not impeding for prior art. However, explicit description of the GDF was neglected in the provisional application, and only an implicit description was included. These topics are developed further in the RESPONSE to the Patent Office.

 08/13/03
Manuel Perucho